

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: 1:23cr104-TBM

JUSTIN GREGORY JUBERT

**GOVERNMENT’S EMERGENCY MOTION FOR STAY
AND REVIEW OF MAGISTRATE JUDGE’S RELEASE RULING**

The United States of America, by and through its undersigned attorney, moves the Court to reconsider the September 7, 2023, Ruling from the Western District of Louisiana granting conditions of release for Defendant Justin Gregory Jubert. In the alternative, the government, pursuant to 18 U.S.C. § 3145(a), moves the Court stay the September 7, 2023, Ruling from the Western District of Louisiana, in order to allow the government an opportunity to appeal this decision to the District Court.

Title 18, United States Code, Section 3145(a) provides as follows:

Review of a release order – If a person is ordered released by a magistrate judge, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court –

(1) The attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for the revocation of the order or amendment of the conditions of release; and ...

The motion shall be determined promptly.

18 U.S.C. § 3145(a)(1).

In support of its Motion, the government would state as follows:

On August 28, 2023, a Criminal Complaint was filed against defendant Justin Gregory for stalking with the intent to kill, injure, harass, or intimidate a person, using any interactive computer service or electronic communication service or electronic communication system of interstate

commerce, attempted to cause, or would be reasonably expected to cause, substantial emotional distress to a person, in violation of Title 18, United States Code, Section 2261A(2)(B). On September 7, 2023, Jubert was brought before United States Magistrate Carol B. Whitehurst in the Western District of Louisiana for an initial appearance in case number 6:23MJ00101-001. The government moved for detention under 18 U.S.C § 3142(f)(2)(B). The magistrate judge found that a detention hearing was not warranted under 18 U.S.C. § 3142(f)(1). Further, the magistrate judge found that the Government did not have a basis for a detention hearing under 18 U.S.C. § 3142(f)(2). Therefore, a detention hearing was not held and the defendant was released on a \$20,000 unsecured bond and conditions imposed by the court such as electronic monitoring and no contact with the victim in this case.

The government intends to appeal the September 7, 2023, ruling setting conditions of release. The government respectfully submits that a detention hearing is warranted as it moved for detention under 18 U.S.C § 3142(f)(2)(B). 18 U.S.C § 3142(f)(2)(B) provides that a hearing shall be held upon motion of the attorney for the Government in a case that involves a serious risk that such person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

Until such time that the District Court has an opportunity to rule on the government's appeal, it is necessary that Jubert remain detained. Accordingly, the United States respectfully requests that this Court enter an Order to stay the Ruling setting conditions of bond until such time that this Court may reconsider the bond ruling, or such time to allow the District Court the opportunity to review the bond ruling and the government's arguments objecting to same.

Respectfully submitted this 7th day of September, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2023, I electronically filed the foregoing with the Clerk of the Court using the ECF system to all ECF participant(s).

s/Lee Smith

LEE SMITH

Assistant U.S. Attorney